OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 505 (Cy. 81)

2024 No. 505 (W. 81)

Y PROFFESIWN MEDDYGOL, CYMRU

MEDICAL PROFESSION, WALES

CRWNERIAID, CYMRU

CORONERS, WALES

Rheoliadau Archwilwyr Meddygol (Cymru) 2024

The Medical Examiners (Wales) Regulations 2024

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad ag archwilwyr meddygol a benodir gan gorff GIG Cymru i gyflawni'r swyddogaethau a roddir i archwilwyr meddygol gan neu o dan Bennod 2 o Ran 1 o Ddeddf Crwneriaid a Chyfiawnder 2009 (p. 25) ("y Ddeddf"). Mae'r swyddogaethau hynny yn cynnwys swyddogaethau sy'n ymwneud ag ardystio'n feddygol achos marwolaethau y mae'n ofynnol eu cofrestru o dan Ran 2 o Ddeddf Cofrestru Genedigaethau a Marwolaethau 1953 (p. 20).

Mae rheoliad 3 yn nodi darpariaethau ynghylch telerau mandadol sydd i'w cynnwys yn nhelerau penodi archwilwyr meddygol ac ynghylch terfynu penodiad, ac yn caniatáu cynnwys unrhyw delerau eraill y cytunir arnynt rhwng y corff penodi a'r archwilydd meddygol (fel y'u diffinnir yn rheoliad 2 o'r Rheoliadau hyn).

Mae rheoliad 4 yn gwneud darpariaeth sy'n caniatáu i gorff penodi dalu tâl, treuliau, ffioedd, digollediad am derfynu penodiad, pensiynau, lwfansau neu arian rhodd i archwilwyr meddygol.

Mae rheoliad 5 yn gwneud darpariaeth mewn perthynas â'r hyfforddiant sydd i'w ddilyn gan archwilwyr meddygol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of medical examiners appointed by a Welsh NHS body to discharge the functions conferred on medical examiners by or under Chapter 2 of Part 1 of the Coroners and Justice Act 2009 (c. 25) ("the Act"). Those functions include functions relating to the medical certification of the cause of deaths which are required to be registered under Part 2 of the Births and Deaths Registration Act 1953 (c. 20).

Regulation 3 sets out provisions about mandatory terms to be included in the terms of appointment of medical examiners and about termination of appointment, and permits the inclusion of such other terms as may be agreed between the appointing body and medical examiner (as defined in regulation 2 of these Regulations).

Regulation 4 makes provision permitting an appointing body to pay remuneration, expenses, fees, compensation for termination of appointment, pensions, allowances or gratuities to medical examiners.

Regulation 5 makes provision in relation to the training to be undertaken by medical examiners.

Mae rheoliad 6 yn ei gwneud yn ofynnol i archwilwyr meddygol ddilyn camau penodol pan na fo'r archwilydd meddygol, mewn perthynas â marwolaeth y mae'n ofynnol ei chofrestru, yn ddigon annibynnol o fewn ystyr y rheoliad hwnnw, oherwydd cysylltiad a oedd gan yr archwilydd meddygol â'r person ymadawedig, yr ymarferydd perthnasol a fu'n gweini neu unrhyw ymarferydd meddygol perthnasol arall ar adeg y farwolaeth. Mae'r camau hyn yn cynnwys gwrthod arfer swyddogaethau mewn perthynas â marwolaeth, a hysbysu eu corff penodi.

Regulation 6 requires medical examiners to follow certain steps where, in relation to a death which is required to be registered, the medical examiner is insufficiently independent within the meaning of that regulation, because of a connection the medical examiner had with the deceased person, the relevant attending practitioner or any other relevant medical practitioner at the time of the death. These steps include declining to exercise functions in relation to a death and notifying their appointing body.

Mae rheoliad 7 yn rhoi swyddogaethau i archwilwyr meddygol sy'n ychwanegol at eu swyddogaethau sy'n ymwneud â'r dystysgrif feddygol achos marwolaeth o dan reoliadau a wneir o dan adran 20(1) o'r Ddeddf.

Regulation 7 confers functions on medical examiners which are in addition to their functions relating to the medical certificate of cause of death under regulations made under section 20(1) of the Act.

Mae rheoliad 8 yn darparu nad yw cyflenwi unrhyw wybodaeth o dan y Rheoliadau hyn yn torri unrhyw rwymedigaeth o ran cyfrinachedd. Mae hefyd yn darparu nad yw'r Rheoliadau hyn yn gweithredu i'w gwneud yn ofynnol nac i awdurdodi datgelu na defnyddio gwybodaeth a fyddai'n torri'r ddeddfwriaeth diogelu data.

Regulation 8 provides that the supply of any information under these Regulations does not breach any obligation of confidence. It also provides that these Regulations do not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2024 Rhif 505 (Cy. 81)

Y PROFFESIWN MEDDYGOL, CYMRU

CRWNERIAID, CYMRU

Rheoliadau Archwilwyr Meddygol (Cymru) 2024

Gwnaed		*12 Ebrill 2024*
Gosodwyd gerbron Senedd Cymru		*15 Ebrill 2024*
Yn dod i rym		*9 Medi 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 19(4)(a) i (e) a 176(3) o Ddeddf Crwneriaid a Chyfiawnder 2009(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi, dod i rym a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Archwilwyr Meddygol (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 9 Medi 2024.

(3) Mae'r Rheoliadau hyn yn gymwys fel a ganlyn—

(a) nid yw rheoliadau 2, 3 a 4 ond yn gymwys mewn perthynas â'r canlynol—

(i) corff GIG Cymru sy'n penodi archwilwyr meddygol, a

(ii) archwilwyr meddygol a benodir gan gorff GIG Cymru;

(b) nid yw rheoliadau 5 i 8 ond yn gymwys mewn perthynas ag archwilwyr meddygol a benodir gan gorff GIG Cymru.

(**1**) 2009 p. 25. Mae'r pŵer yn adran 19(4) o'r Ddeddf yn arferadwy gan "the appropriate Minister" a ddiffinnir o dan adran 19(6) o'r Ddeddf, o ran Cymru, fel Gweinidogion Cymru. Diwygiwyd pennawd adran 19 gan adran 169(2)(a) o Ddeddf Iechyd a Gofal 2022 (p. 31). Mae diwygiadau eraill i adran 19 nad ydynt yn berthnasol i'r Rheoliadau hyn.

2024 No. 505 (W. 81)

MEDICAL PROFESSION, WALES

CORONERS, WALES

The Medical Examiners (Wales) Regulations 2024

Made	*12 April 2024*
Laid before Senedd Cymru	*15 April 2024*
Coming into force	*9 September 2024*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 19(4)(a) to (e) and 176(3) of the Coroners and Justice Act 2009(**1**), make the following Regulations.

Title, coming into force and application

1.—(1) The title of these Regulations is the Medical Examiners (Wales) Regulations 2024.

(2) These Regulations come into force on 9 September 2024.

(3) These Regulations apply as follows—

(a) regulations 2, 3 and 4 apply only in relation to—

(i) a Welsh NHS body that appoints medical examiners, and

(ii) medical examiners appointed by a Welsh NHS body;

(b) regulations 5 to 8 apply only in relation to medical examiners appointed by a Welsh NHS body.

(**1**) 2009 c. 25. The power in section 19(4) of the Act is exercisable by "the appropriate Minister" who is defined under section 19(6) of the Act as, in relation to Wales, the Welsh Ministers. The heading to section 19 was amended by section 169(2)(a) of the Health and Care Act 2022 (c. 31). There are other amendments to section 19 which are not relevant to these Regulations.

Dehongli

2. Yn y Rheoliadau hyn—

mae i "archwilydd meddygol" yr ystyr a roddir i "medical examiner" yn adran 48(1) o'r Ddeddf;

ystyr "Archwilydd Meddygol Cenedlaethol" ("*National Medical Examiner*") yw'r person a benodir o dan adran 21(1) o'r Ddeddf;

mae i "corff GIG Cymru" yr ystyr a roddir i "Welsh NHS body" yn adran 18B(3) o'r Ddeddf;

ystyr "corff penodi" ("*appointing body*"), mewn perthynas ag archwilydd meddygol, yw'r corff GIG Cymru a benododd yr archwilydd meddygol o dan adran 18B(1) o'r Ddeddf(**1**);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Crwneriaid a Chyfiawnder 2009;

ystyr "Rheoliadau adran 20(1)" ("*section 20(1) Regulations*") yw Rheoliadau Tystysgrifau Meddygol Achos Marwolaeth 2024(**2**);

ystyr "swyddogaeth berthnasol" ("*relevant function*") yw swyddogaeth(**3**) a roddir i archwilwyr meddygol gan reoliad 7 o'r Rheoliadau hyn neu gan Reoliadau adran 20(1);

mae i "uwch-grwner" yr ystyr a roddir i "senior coroner" yn adran 48(1) o'r Ddeddf;

mae i "ymarferydd a fu'n gweini" yr ystyr a roddir i "attending practitioner" yn rheoliad 2 o Reoliadau adran 20(1);

ystyr "ymarferydd meddygol cofrestredig" ("*registered medical practitioner*") yw person sydd wedi ei gofrestru'n llawn o fewn yr ystyr a roddir i "fully registered person" yn Neddf Meddygaeth 1983(**4**) ac sy'n dal trwydded i ymarfer o dan y Ddeddf honno;

ystyr "ymarferydd meddygol perthnasol arall" ("*other relevant medical practitioner*") yw ymarferydd meddygol cofrestredig nad yw, mewn perthynas â marwolaeth, yn ymarferydd perthnasol a fu'n gweini, ond sydd wedi—

(a) gwneud hysbysiad neu atgyfeiriad at uwch-grwner o dan unrhyw ddeddfiad,

(b) gofyn am gyngor gan archwilydd meddygol, neu

(c) ceisio cyflawni unrhyw swyddogaeth o dan Reoliadau adran 20(1);

mae i "ymarferydd perthnasol a fu'n gweini" yr ystyr a roddir i "relevant attending practitioner" yn rheoliad 2 o'r Rheoliadau adran 20(1).

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Coroners and Justice Act 2009;

"appointing body" ("*corff penodi*"), in relation to a medical examiner, means the Welsh NHS body which appointed the medical examiner under section 18B(1) of the Act(**1**);

"attending practitioner" ("*ymarferydd a fu'n gweini*") has the meaning given in regulation 2 of the section 20(1) Regulations;

"medical examiner" ("*archwilydd meddygol*") has the meaning given in section 48(1) of the Act;

"National Medical Examiner" ("*Archwilydd Meddygol Cenedlaethol*") means the person appointed under section 21(1) of the Act;

"other relevant medical practitioner" ("*ymarferydd meddygol perthnasol arall*") means a registered medical practitioner who, in relation to a death, is not a relevant attending practitioner, but has—

(a) made a notification or referral to a senior coroner under any enactment,

(b) sought advice from a medical examiner, or

(c) sought to fulfil any function under section 20(1) Regulations;

"registered medical practitioner" ("*ymarferydd meddygol cofrestredig*") means a fully registered person within the meaning of the Medical Act 1983(**2**) who holds a licence to practise under that Act;

"relevant attending practitioner" ("*ymarferydd perthnasol a fu'n gweini*") has the meaning given in regulation 2 of the section 20(1) Regulations;

"relevant function" ("*swyddogaeth berthnasol*") means a function(**3**) conferred on medical examiners by regulation 7 of these Regulations or section 20(1) Regulations;

"section 20(1) Regulations" ("*Rheoliadau adran 20(1)*") means the Medical Certificate of Cause of Death Regulations 2024(**4**);

"senior coroner" ("*uwch-grwner*") has the meaning given in section 48(1) of the Act;

"Welsh NHS body" ("*corff GIG Cymru*") has the meaning given in section 18B(3) of the Act.

(**1**) Mewnosodwyd adran 18B gan adran 169(1) o Ddeddf Iechyd a Gofal 2022.
(**2**) O.S. 2024/492.
(**3**) Am ystyr "function", *gweler* adran 48(1) o'r Ddeddf.
(**4**) 1983 p. 54.

(**1**) Section 18B was inserted by section 169(1) of the Health and Care Act 2022.
(**2**) 1983 c. 54.
(**3**) For the meaning of "function", *see* section 48(1) of the Act.
(**4**) S.I. 2024/492.

Telerau penodi archwilwyr meddygol a therfynu penodiad

3.—(1) Rhaid i delerau penodi archwilydd meddygol gynnwys telerau, sut bynnag y'u mynegir, sy'n darparu—

(a) bod y penodiad i'w derfynu ar unwaith os bydd yr archwilydd meddygol yn peidio â bod yn ymarferydd meddygol cofrestredig,

(b) y caiff y corff penodi derfynu'r penodiad pan fo o'r farn, ar ôl ystyried unrhyw safonau perfformiad a ddisgwylir gan archwilydd meddygol fel y'u cyhoeddir o bryd i'w gilydd gan yr Archwilydd Meddygol Cenedlaethol, nad yw'r archwilydd meddygol yn addas i fod yn archwilydd meddygol,

(c) ar gais y corff penodi, fod rhaid i'r archwilydd meddygol, pan fo'n rhesymol ymarferol, arfer unrhyw swyddogaeth berthnasol mewn perthynas ag unrhyw farwolaeth y mae'n ofynnol ei chofrestru o dan Ran 2 o Ddeddf Cofrestru Genedigaethau a Marwolaethau 1953(**1**),

(d) bod rhaid i'r archwilydd meddygol, heb oedi afresymol, hysbysu'r corff penodi am unrhyw newidiadau i'w statws fel ymarferydd meddygol cofrestredig, gan gynnwys unrhyw gamau disgyblu y cynigir eu cymryd neu a gymerir yn ei erbyn gan ei gorff rheoleiddio, ac

(e) y caiff y corff penodi derfynu'r penodiad pan fo o'r farn nad yw ymgysylltiad yr archwilydd meddygol ag ymarfer clinigol yn ddigonol i gefnogi'r gwaith o arfer swyddogaethau perthnasol yn barhaus.

(2) Caiff telerau penodi'r archwilydd meddygol gynnwys unrhyw delerau eraill y cytunir arnynt rhwng y corff penodi a'r archwilydd meddygol.

Talu tâl, treuliau, ffioedd etc. i archwilwyr meddygol

4. Caiff corff penodi dalu i bob archwilydd meddygol y mae'n ei benodi unrhyw dâl, treuliau, ffioedd, digolledi am derfynu penodiad, pensiynau, lwfansau neu arian rhodd a benderfynir ganddo.

Terms of appointment of medical examiners and termination of appointment

3.—(1) The terms of appointment of a medical examiner must include terms, however expressed, which provide that—

(a) the appointment is to be terminated immediately in the event that the medical examiner ceases to be a registered medical practitioner,

(b) the appointing body may terminate the appointment where it is of the opinion, after taking into account any standards of performance expected of a medical examiner as published by the National Medical Examiner from time to time, that the medical examiner is not suitable to be a medical examiner,

(c) on the request of the appointing body, the medical examiner must, where reasonably practicable, exercise any relevant function in relation to any death that is required to be registered under Part 2 of the Births and Deaths Registration Act 1953(**1**),

(d) the medical examiner must, without unreasonable delay, notify the appointing body of any changes to their status as a registered medical practitioner, including any disciplinary action proposed or taken against them by their regulatory body, and

(e) the appointing body may terminate the appointment where it is of the opinion that the medical examiner's engagement in clinical practice is insufficient to support the continued exercise of relevant functions.

(2) The terms of appointment of the medical examiner may include such other terms as may be agreed between the appointing body and the medical examiner.

Payment of remuneration, expenses, fees etc. to medical examiners

4. An appointing body may pay to each medical examiner it appoints such remuneration, expenses, fees, compensation for termination of appointment, pensions, allowances or gratuities as it determines.

(**1**) 1953 p. 20.

(**1**) 1953 c. 20.

Yr hyfforddiant sydd i'w ddilyn gan archwilwyr meddygol

5. Rhaid i archwilwyr meddygol ddilyn, o bryd i'w gilydd, unrhyw hyfforddiant sy'n briodol i sicrhau eu bod yn meddu ar y profiad a'r sgiliau angenrheidiol er mwyn cyflawni eu swyddogaethau perthnasol.

Y weithdrefn ar gyfer annibyniaeth archwilwyr meddygol

6.—(1) Pan fo archwilydd meddygol yn cael cais gan gorff penodi i arfer unrhyw swyddogaeth berthnasol mewn perthynas â marwolaeth, ac nad yw'n ddigon annibynnol mewn perthynas â'r farwolaeth honno, rhaid i'r archwilydd meddygol gydymffurfio â'r camau a nodir ym mharagraffau (2) a (3).

(2) Ni chaiff yr archwilydd meddygol arfer unrhyw swyddogaeth berthnasol mewn perthynas â'r farwolaeth neu, pan fo'n berthnasol, rhaid iddo roi'r gorau i arfer unrhyw swyddogaeth berthnasol ar unwaith ar ôl dod yn ymwybodol nad yw'n ddigon annibynnol.

(3) Rhaid i'r archwilydd meddygol, heb oedi afresymol—

(a) gwneud cofnod o ba rai o'r amgylchiadau a nodir ym mharagraff (6) sy'n gymwys mewn perthynas â'r farwolaeth, a

(b) hysbysu ei gorff penodi yn ysgrifenedig.

(4) Pan fo archwilydd meddygol yn hysbysu ei gorff penodi o dan baragraff (3)(b), rhaid i'r archwilydd meddygol sicrhau bod y canlynol yn cael ei ddarparu i'r corff penodi—

(a) copi o'r cofnod a wneir yn unol â pharagraff (3)(a),

(b) unrhyw wybodaeth y mae'r archwilydd meddygol wedi ei chael sy'n ymwneud â'r farwolaeth, ac

(c) unrhyw gofnodion a wneir gan yr archwilydd meddygol mewn cysylltiad ag unrhyw swyddogaeth berthnasol sydd wedi ei harfer mewn perthynas â'r farwolaeth.

(5) At ddibenion paragraffau (1) i (3)—

(a) nid yw archwilydd meddygol yn ddigon annibynnol mewn perthynas â marwolaeth pan fo un neu ragor o'r amgylchiadau ym mharagraff (6) yn gymwys ar adeg y farwolaeth;

(b) mae unrhyw gyfeiriad at yr ymarferydd meddygol yn bod yn ymwybodol nad yw'n ddigon annibynnol yn cynnwys unrhyw amser pan ddylai'r ymarferydd meddygol fod wedi bod yn ymwybodol o hynny.

Training to be undertaken by medical examiners

5. Medical examiners must undertake from time to time such training as is appropriate to ensure that they have the experience and skills necessary to carry out their relevant functions.

Procedure for the independence of medical examiners

6.—(1) Where a medical examiner receives a request from an appointing body to exercise any relevant function in relation to a death, and is insufficiently independent in relation to that death, the medical examiner must comply with the steps set out in paragraphs (2) and (3).

(2) The medical examiner must not exercise any relevant function in relation to the death or, where relevant, must cease exercising any relevant function immediately upon becoming aware of the insufficient independence.

(3) The medical examiner must without unreasonable delay—

(a) make a record of which of the circumstances set out in paragraph (6) apply in relation to the death, and

(b) notify their appointing body in writing.

(4) Where a medical examiner notifies their appointing body under paragraph (3)(b), the medical examiner must ensure that the appointing body is provided with—

(a) a copy of the record made in accordance with paragraph (3)(a),

(b) any information relating to the death which the medical examiner has received, and

(c) any records made by the medical examiner in connection with any relevant function exercised in relation to the death.

(5) For the purposes of paragraphs (1) to (3)—

(a) a medical examiner is insufficiently independent in relation to a death where, at the time of the death, one or more of the circumstances in paragraph (6) applies;

(b) any reference to the medical examiner being aware of the insufficient independence includes any time when the medical examiner ought to have been so aware.

(6) Yr amgylchiadau yw—

(a) bod yr archwilydd meddygol yn briod, yn gyn briod, yn bartner sifil neu'n gyn bartner sifil—

(i) i'r person ymadawedig ("Y"),

(ii) i'r ymarferydd perthnasol a fu'n gweini ("YG"), neu

(iii) i unrhyw ymarferydd meddygol perthnasol arall ("YA"),

(b) bod yr archwilydd meddygol, neu y bu'r archwilydd meddygol, yn cyd-fyw ag Y, YG neu YA fel pe baent yn briod neu'n bartneriaid sifil,

(c) bod yr archwilydd meddygol, neu y bu'r archwilydd meddygol, yn perthyn yn agos i Y, YG neu YA,

(d) bod yr archwilydd meddygol yn credu ei fod wedi gweini ar Y yn ystod oes Y,

(e) bod yr archwilydd meddygol, neu y bu'r archwilydd meddygol, yn bartner, yn gyflogwr, yn gyflogai neu'n gysylltai i Y, YG neu YA,

(f) bod gan yr archwilydd meddygol fuddiant ariannol yn ystad Y, neu

(g) bod gan yr archwilydd meddygol, neu y bu gan yr archwilydd meddygol, unrhyw gysylltiad, perthynas neu gyswllt arall ag Y, YG neu YA i'r graddau bod amheuaeth resymol yn codi ynghylch gallu'r archwilydd meddygol i gyflawni unrhyw un neu ragor o'r swyddogaethau perthnasol yn wrthrychol mewn perthynas â'r farwolaeth.

(7) Ym mharagraff (6), ystyr "yn perthyn yn agos" yw rhiant, chwaer, hanner chwaer, brawd, hanner brawd, mab, merch, ewythr, modryb, tad-cu/taid neu fam-gu/nain, ŵyr neu wyres, cefnder cyfan neu gyfnither gyfan, nai, nith, rhiant yng nghyfraith, ŵyr neu wyres yng nghyfraith, chwaer yng nghyfraith, brawd yng nghyfraith, mab yng nghyfraith, merch yng nghyfraith, llysblentyn, llys-riant, llysfrawd neu lyschwaer.

(8) Ym mharagraff (7), mae cyfeiriadau at lysberthnasau a pherthnasau yng nghyfraith i'w darllen yn unol ag adran 246 o Ddeddf Partneriaeth Sifil 2004(**1**) (dehongli cyfeiriadau statudol at lysblant etc.).

(6) The circumstances are that the medical examiner—

(a) is the spouse, former spouse, civil partner or former civil partner of—

(i) the deceased person ("D"),

(ii) the relevant attending practitioner ("AP"), or

(iii) any other relevant medical practitioner ("OP"),

(b) is, or was, living together with D, AP or OP as if they were spouses or civil partners,

(c) is, or was, closely related to D, AP or OP,

(d) believes they attended D during the course of D's lifetime,

(e) is, or was, a partner, employer, employee or associate of D, AP or OP,

(f) has a financial interest in D's estate, or

(g) has, or had, any other association, relationship or connection with D, AP or OP such as to give rise to a reasonable doubt as to the medical examiner's ability to carry out objectively in relation to the death any of the relevant functions.

(7) In paragraph (6), "closely related" means a parent, sister, half-sister, brother, half-brother, son, daughter, uncle, aunt, grandparent, grandchild, first cousin, nephew, niece, parent-in-law, grandchild-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepchild, step-parent, stepbrother or stepsister.

(8) In paragraph (7), references to step relationships and in-laws are to be read in accordance with section 246 of the Civil Partnership Act 2004(**1**) (interpretation of statutory references to stepchildren etc.).

(**1**) 2004 p. 33.

(**1**) 2004 c. 33.

Swyddogaethau ychwanegol archwilwyr meddygol

7.—(1) Yn ogystal â'r swyddogaethau a nodir yn Rheoliadau adran 20(1), mae gan archwilydd meddygol y swyddogaethau a ganlyn—

(a) darparu cyngor i ymarferwyr meddygol cofrestredig mewn perthynas â swyddogaethau ymarferwyr a fu'n gweini o dan Reoliadau adran 20(1);

(b) darparu cyngor i uwch-grwneriaid at ddiben cynorthwyo uwch-grwner wrth benderfynu a oes dyletswydd i gynnal ymchwiliad i farwolaeth benodol o dan adran 1 o'r Ddeddf (dyletswydd i ymchwilio i farwolaethau penodol);

(c) bod yn rhan o'r gwaith o sefydlu, adolygu a diweddaru unrhyw brotocolau lleol o ran y corff penodi;

(d) cynnal cofnodion mewn perthynas â marwolaethau y mae'r archwilydd meddygol wedi arfer swyddogaethau mewn cysylltiad â hwy o dan Reoliadau adran 20(1);

(e) cael unrhyw wybodaeth sydd ar gael yn rhesymol iddynt mewn cysylltiad â thueddiadau a phatrymau anarferol o ran achosion ardystiedig marwolaethau, gwyliadwriaeth iechyd y cyhoedd, diogelwch cleifion a llywodraethu clinigol at ddiben llywio eu barn broffesiynol ynghylch achos y farwolaeth mewn achos penodol, ac ystyried yr wybodaeth honno;

(f) darparu gwybodaeth a llunio adroddiadau i fodloni unrhyw gais rhesymol a wneir gan neu ar ran—

(i) y corff penodi, at ddiben monitro perfformiad archwilwyr meddygol,

(ii) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru, at ddibenion swyddogaethau'r Ymddiriedolaeth o dan erthygl 3 o Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Sefydlu) 2009(**1**) (natur a swyddogaethau'r ymddiriedolaeth),

(iii) Bwrdd Diogelu, at ddibenion swyddogaethau'r Bwrdd Diogelu hwnnw o dan reoliad 4 o Reoliadau Byrddau Diogelu (Swyddogaethau a Gweithdrefnau) (Cymru) 2015(**2**) (adolygiadau ymarfer) pan fo uwch-

Additional functions of medical examiners

7.—(1) In addition to the functions set out in section 20(1) Regulations, a medical examiner has the following functions—

(a) providing advice to registered medical practitioners in relation to the functions of attending practitioners under section 20(1) Regulations;

(b) providing advice to senior coroners for the purpose of assisting a senior coroner in deciding whether there is a duty to conduct an investigation into a particular death under section 1 of the Act (duty to investigate certain deaths);

(c) participating in the establishment, review and updating of any local protocols of the appointing body;

(d) maintaining records in relation to deaths in respect of which the medical examiner has exercised functions under section 20(1) Regulations;

(e) obtaining and considering such information as is reasonably available to them in respect of trends and unusual patterns of certified causes of death, public health surveillance, patient safety and clinical governance for the purpose of informing their professional judgement as to the cause of death in a particular case;

(f) providing information and preparing reports to meet any reasonable request made by or on behalf of—

(i) the appointing body, for the purpose of monitoring the performance of medical examiners,

(ii) Public Health Wales National Health Service Trust, for the purposes of the Trust's functions under article 3 of the Public Health Wales National Health Service Trust (Establishment) Order 2009(**1**) (nature and functions of the trust),

(iii) a Safeguarding Board, for the purposes of that Safeguarding Board's functions under regulation 4 of the Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015(**2**) (practice reviews) where a senior coroner has

(**1**) O.S. 2009/2058 (Cy. 177), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2015/1466 (Cy. 160).

(**1**) S.I. 2009/2058 (W. 177), to which there are amendments not relevant to these Regulations.
(**2**) S.I. 2015/1466 (W. 160).

grwner wedi penderfynu nad yw marwolaeth y person ymadawedig yn farwolaeth y mae dyletswydd i ymchwilio iddi yn codi o dan adran 1 o'r Ddeddf (dyletswydd i ymchwilio i farwolaethau penodol),

(iv) y Bwrdd Ystadegau, neu

(v) yr Archwilydd Meddygol Cenedlaethol;

(g) nodi anghenion hyfforddi ymarferwyr meddygol cofrestredig mewn perthynas ag ardystio marwolaethau, a hyrwyddo a hwyluso hyfforddiant o'r fath;

(h) adolygu eu perfformiad a'u gwasanaeth eu hunain yn rheolaidd gan gynnwys drwy gymryd rhan mewn archwiliadau gan gymheiriaid ac adolygiadau gwasanaeth.

(2) Wrth fynd ati i arfer swyddogaeth berthnasol, rhaid i archwilwyr meddygol adrodd am unrhyw bryderon difrifol a nodir mewn cysylltiad â llywodraethu clinigol, diogelwch cleifion neu wyliadwriaeth iechyd y cyhoedd yn unol â threfniadau adrodd lleol.

(3) At ddibenion y rheoliad hwn—

ystyr "Bwrdd Diogelu" ("*Safeguarding Board*") yw Bwrdd Diogelu Plant neu Fwrdd Diogelu Oedolion(**1**);

ystyr "y Bwrdd Ystadegau" ("*the Statistics Board*") yw'r corff corfforedig a sefydlwyd gan adran 1 o Ddeddf Ystadegau a'r Gwasanaeth Cofrestru 2007(**2**) (sefydlu);

mae "gwybodaeth" ("*information*") yn cynnwys gwybodaeth sy'n datgelu pwy yw unigolyn penodol;

ystyr "protocol lleol" ("*local protocol*") yw memorandwm cyd-ddealltwriaeth a wneir rhwng corff penodi'r archwilydd meddygol a phersonau a chyrff eraill y mae eu swyddogaethau yn cynnwys ardystio marwolaethau neu'n gysylltiedig â hynny, sy'n nodi'r trefniadau gweinyddol sydd i fod yn gymwys i hwyluso'r gwaith o ardystio marwolaethau yn effeithlon ac yn amserol.

decided that the deceased's death is not a death for which a duty to investigate arises under section 1 of the Act (duty to investigate certain deaths),

(iv) the Statistics Board, or

(v) the National Medical Examiner;

(g) identifying training needs of registered medical practitioners in relation to death certification, and promoting and facilitating such training;

(h) keeping their own performance and service under review including through participating in peer audits and service reviews.

(2) In the course of exercising a relevant function, medical examiners must report any serious concerns identified in respect of clinical governance, patient safety or public health surveillance in accordance with local reporting arrangements.

(3) For the purposes of this regulation—

"information" ("*gwybodaeth*") includes information identifying a particular individual;

"local protocol" ("*protocol lleol*") means a memorandum of understanding made between the medical examiner's appointing body and other persons and bodies whose functions include or are connected with the certification of deaths, setting out the administrative arrangements which are to apply to facilitate the efficient and timely certification of deaths;

"Safeguarding Board" ("*Bwrdd Diogelu*") means a Safeguarding Children Board or a Safeguarding Adults Board(**1**);

"the Statistics Board" ("*y Bwrdd Ystadegau*") means the body corporate established by section 1 of the Statistics and Registration Service Act 2007(**2**) (establishment).

(**1**) Sefydlir Byrddau Diogelu Plant gan bartner arweiniol y Bwrdd Diogelu ar gyfer yr ardal mewn perthynas â phlant yn unol ag adran 134(4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) ("Deddf 2014"). Sefydlir Byrddau Diogelu Oedolion gan bartner arweiniol y Bwrdd Diogelu ar gyfer yr ardal mewn perthynas ag oedolion yn unol ag adran 134(5) o Ddeddf 2014. Pennir partneriaid arweiniol Byrddau Diogelu gan Weinidogion Cymru yn rheoliad 4 o Reoliadau Byrddau Diogelu (Cyffredinol) (Cymru) 2015, ac Atodlen 2 iddynt (O.S. 2015/1357 (Cy. 131), a ddiwygiwyd gan O.S. 2018/494 (Cy. 85) ac O.S. 2019/349 (Cy. 83)) ("Rheoliadau 2015"), o blith y rhestr o bartneriaid Byrddau Diogelu a nodir yn adran 134(2) o Ddeddf 2014. Pennir ardaloedd Byrddau Diogelu yn rheoliad 3 o Reoliadau 2015, ac Atodlen 1 iddynt, yn unol ag adran 134(1) o Ddeddf 2014.

(**2**) 2007 p. 18.

(**1**) Safeguarding Children Boards are established by the Safeguarding Board lead partner in relation to children for the area in accordance with section 134(4) of the Social Services and Well-being (Wales) Act 2014 (anaw 4) ("the 2014 Act"). Safeguarding Adults Boards are established by the Safeguarding Board lead partner in relation to adults for the area in accordance with section 134(5) of the 2014 Act. Safeguarding Board lead partners are specified by the Welsh Ministers in regulation 4 of, and Schedule 2 to, the Safeguarding Boards (General) (Wales) Regulations 2015 (S.I. 2015/1357 (W. 131), amended by S.I. 2018/494 (W. 85) and S.I. 2019/349 (W. 83)) ("the 2015 Regulations"), from among the list of Safeguarding Board partners set out in section 134(2) of the 2014 Act. Safeguarding Board areas are specified in regulation 3 of, and Schedule 1 to, the 2015 Regulations in accordance with section 134(1) of the 2014 Act.

(**2**) 2007 c. 18.

Cyflenwi gwybodaeth

8.—(1) Nid yw cyflenwi gwybodaeth o dan y Rheoliadau hyn—

(a) yn torri unrhyw rwymedigaeth o ran cyfrinachedd sy'n ddyledus gan y person sy'n cyflenwi'r wybodaeth, a

(b) yn gweithredu i'w gwneud yn ofynnol nac i awdurdodi datgelu na defnyddio gwybodaeth a fyddai'n torri'r ddeddfwriaeth diogelu data.

(2) Yn y rheoliad hwn, mae i "y ddeddfwriaeth diogelu data" yr un ystyr ag a roddir i "the data protection legislation" yn adran 3(9) o Ddeddf Diogelu Data 2018(**1**).

Supply of information

8.—(1) A supply of information under these Regulations—

(a) does not breach any obligation of confidence owed by the person supplying the information, and

(b) does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation.

(2) In this regulation, "the data protection legislation" has the same meaning as in section 3(9) of the Data Protection Act 2018(**1**).

Eluned Morgan

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
12 Ebrill 2024

Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
12 April 2024

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(**1**) 2018 p. 12, a ddiwygiwyd gan O.S. 2019/419.

(**1**) 2018 c. 12, amended by S.I. 2019/419.

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